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ABSTRACT

This policy brief on the reauthorization of the Individuals with Disabilities Education Act (IDEA) is based on March 2002, discussions involving chief state school officers and state directors of special education from five Western states and staff of Western educational research and policy organizations. It focuses on those issues that are fundamental to successfully moving toward a more unified education system -- one that incorporates both IDEA and the No Child Left Behind Act of 2001. These issues include: (1) the need for increased and more flexible funding along with accountability; (2) closer alignment between the processes and policies of IDEA and the No Child Left Behind Act; (3) an accountability system focused on learning; and (4) building teacher and administrator capacity. The paper concludes that if these issues are addressed, the unnecessary labeling of students will decrease and districts will be better able to meet the needs of students with disabilities as well as those of at-risk students. It suggests that the confluence of the reauthorization of the Elementary and Secondary Education Act, the reauthorization of IDEA, and the standards movement has provided an unprecedented opportunity to help all students meet high standards. (DB)

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POLICY brief

April 2002

The Reauthorization of the Individuals with Disabilities Education Act: Moving Toward a More Unified System

by Barbara Gaddy, Brian McNulty, and Tim Waters

ED 467 140

This brief is based on conversations held March 10–11, 2002, in Denver, Colorado, involving chief state school officers and state directors of special education from Idaho, Kansas, Montana, Nebraska, and North Dakota, along with staff members from Mid-continent Research for Education and Learning (McREL) and the Northwest Regional Educational Laboratory (NWREL).

In December 2001, Congress overwhelmingly approved the reauthorization of the Elementary and Secondary Education Act (ESEA) when it passed the No Child Left Behind Act (Public Law 107-110). As individual states move toward compliance with ESEA, policymakers are now faced with another, equally historic opportunity to impact American education — the reauthorization of the Individuals with Disabilities Education Act (IDEA). The reauthorization of these two highly influential federal initiatives, particularly in light of the increased nationwide focus on helping all students meet high academic standards, presents an unprecedented opportunity to dramatically and positively influence the education of millions of American students.

The passage of the No Child Left Behind Act and the reauthorization of IDEA present an unprecedented opportunity to dramatically and positively influence the education of millions of American students.

Prior to 1975, access to public education for students with disabilities was extremely limited. Children with severe disabilities were routinely institutionalized; others were simply kept at home, with little or no access to education resources. In 1975, Congress passed the Education for All Handicapped Children Act (Public Law 94-142), now known as the Individuals with Disabilities Education Act (IDEA). This legislation included the following provisions:

- A mandate to provide free, appropriate public education for children with disabilities
- A requirement that an Individualized Education Program (IEP) be developed for each student identified as disabled
- A requirement that schools actively involve parents in planning their child's education
- A requirement that students with disabilities be placed in the least restrictive environment

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Although access to the general education classroom and curriculum has improved for children with disabilities as a result of IDEA, this access has not been accompanied by a number of important supports. In particular, there has not been the commitment of federal funding, focus on prevention and early intervention, attention to learning goals, access to quality teachers, and ongoing professional development needed to ensure that students with disabilities have equal opportunities to meet high standards. There also have been unintended consequences associated with this legislation. Issues of particular concern include the over-identification of children for special education services, particularly minority children (see National Research Council, 2002), procedural and paperwork burdens that have become obstacles to focusing on learning and achievement, a lack of shared responsibility for the education of students with disabilities, and a resulting shortage of qualified special education teachers. As a result of these and other factors, the success, progress, and academic achievement of many children with disabilities has suffered.

The unifying theme around which this brief is built is that students will be better served by a more unified system of education in which planning is integrated and policies and procedures are aligned. Special education should be an integrated component of school improvement, rather than a separate program. Drawing on experience and professional wisdom, this brief highlights those issues that are fundamental to successfully moving toward a more unified education system — one that realizes the hopes and promises of both IDEA and the No Child Left Behind Act.

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There will be many perspectives, experiences, and concerns examined during deliberations preceding any changes in special education legislation. We encourage policymakers and education leaders to keep their discussions focused on the following issues related to the reauthorization of IDEA:

- Increased, flexible funding so that resources can be better used by individual districts to serve students, along with continued local accountability for students' progress
- A closer alignment of the processes and procedures of IDEA with other education processes and requirements, in particular those of the No Child Left Behind Act
- A learning-focused accountability system that monitors and reports students' progress over extended periods of time
- Ongoing professional development that helps educators develop the knowledge and skills they need to serve students with disabilities

Increased and More Flexible Funding Along with Accountability

Funding is a central, albeit contentious, issue. Concerns about the federal government making good on its promise to "fully fund" special education, whether federal funds should "supplant" or "supplement" state and local funds, and the growth in special education costs define the core of the debate. These concerns are intricately linked with accountability. Participants in

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the Denver, Colorado, leadership meeting recommended that the following suggestions for revising IDEA be considered:

- That Congress fully fund 40 percent of the cost of serving students with disabilities
- That the federal formula for allocating special education funds to states be based on student census data
- If the federal investment in special education is fully funded, that states and districts be required to maintain the fiscal contributions they are making to serve students with disabilities and/or students at risk of failing
- That states and districts be permitted to use federal funds to provide services currently being funded by state and local dollars, thus allowing state and local funds to be recovered and reallocated for prevention and intervention efforts

When IDEA was initially passed in 1975, the federal government pledged to fund 40 percent of the national average per-pupil cost of educating special education students. Since that time, regardless of how the federal investment in special education has been measured, this commitment has not been met. Congress has not come close to the 40 percent figure — commonly referred to as "full funding."

Based on our recommendation that IDEA be fully funded, we also recommend that funding be allocated to states using a census formula. The current approach to funding, which is partially based on student count, has led to inequities from state to state and from district to district. Funding special education based only on a census/percentage formula (with consideration given to poverty and other factors) is a more effective, efficient, and equitable approach than the current census/student count method. A census formula would increase districts' capacity to work with students early to keep them from being inappropriately identified for special education services.

Although there is growing agreement in Congress to increase federal funding for special education, there is concern about what the impact of full federal funding should be at state and local levels. The crux of the discussion revolves around whether states and districts will be required to maintain their current levels of effort for special education or whether districts should be allowed to reallocate state and local dollars for other purposes. Participants in the Denver, Colorado, leadership meeting recommended that, if IDEA is fully funded, states and districts be required to maintain their levels of effort but that districts be granted the flexibility to use freed-up state and local funds for prevention and intervention. Examples of how individual students' needs can be better addressed as a result of funding flexibility include the provision of intervention services for at-risk students and preschool prevention efforts. By addressing early reading skills and other critical foundational needs, it becomes less likely that a student will need to be referred to special education.

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Policymakers and government leaders are concerned, and rightly so, about the tremendous growth in the number of special education students and the increasing cost of educating them (see U.S. Department of Education, 2001, The President's Commission on Excellence in Special Education). But evidence and experience show that much of the increased cost of special education is the result of policies that have driven districts and schools to increase the number and percentage of students identified as needing special education services.

The funding recommendations made by the state leaders assembled in Denver address concerns at federal, state, and local levels. Fully funding special education, using a census funding model, maintaining current levels of state and local funding, and allowing districts to use state and local dollars for prevention and intervention efforts add up to a viable option for policymakers. Together, these policy provisions offer policymakers an approach that would allow the federal government to more accurately estimate and budget the costs of special education, slow the growth in the number of special education students identified, and provide flexibility at the local level to meet the learning needs of a diverse student population.

Closer Alignment Between the Processes and Policies of IDEA and the No Child Left Behind Act

The recent reauthorization of ESEA through the No Child Left Behind Act provides policymakers with an opportunity to more closely align IDEA with this Act. Although protecting the rights of students with disabilities to a free and appropriate education necessitates maintaining a clear distinction between the two bills, policymakers should consider ways in which policies and procedures might be aligned to create a more efficient, less redundant, and more integrated system.

Since P.L. 94-142 was first enacted in 1975, schools and districts have maintained separate systems — of teaching, assessing, and monitoring students' progress — for general education and special education students. Since 1975, progress has been made to bring these two systems together, although it was not until the 1997 reauthorization of IDEA that specific requirements were added that guaranteed children with disabilities access to the general education curriculum and required that they participate in state and district assessments. Even with this progress, many other aspects of the education system continue to be separate. Many educators have found that this dual system of education has promoted a lack of shared ownership of students, the segregation of special education students, and an ineffective and inefficient use of federal, state, and local resources.

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As early as 1992, a National Association of State Boards of Education report called for a closer look at the ways in which U.S. schools educate children with disabilities. The report questioned whether special education students were achieving to their full capabilities and were being prepared for life after graduation — and if, in fact, the separate system of special education was really the best way to educate children with disabilities, particularly in light of the standards-

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based reform movement. As rulemaking for the No Child Left Behind Act continues, and as IDEA is reauthorized, policymakers should take every opportunity to look for links between the requirements of each bill.

One of the opportunities for integration of the requirements of each bill is the use of consolidated applications. Although the planning process for consolidated application is not yet fully realized, it has allowed schools and districts to take a more integrated, comprehensive approach to addressing the unique learning needs of their students. Special education, however, still sits outside of this process. Because of the reauthorization of IDEA, there is now an opportunity to include special education as part of the consolidated application at district and state levels. Components of a consolidated application include the use of data to identify students' needs and research-based interventions, a plan for providing professional development to teachers and administrators, and a process for evaluating the impact of interventions on students' progress. Including special education as part of this process ensures that students' needs are considered and eliminates redundancy in planning and services.

There are a number of benefits of aligning policies and procedures across special education and general education. Experience shows that when students' learning needs are considered as part of an integrated district-level plan to deliver services, students are better served, both in the short and long term, and federal, state, and local resources are used more efficiently and effectively.

An Accountability System Focused on Learning

Hand in hand with the closer alignment of IDEA with the policies of the No Child Left Behind Act is the need to shift our time, attention, and resources from paperwork and processes to learning and achievement. Learning should consume the bulk of our time and focus as educators and policymakers, rather than compliance with processes and procedures. We must shift our collective and individual attention, commitment, resources, and accountability systems from a focus on *processing* students to *teaching* students.

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Individualized Education Plans (IEPs) can be of great service to students when they are aligned with standards, detail the classroom accommodations that students need to meet these standards, and describe how alternative assessments, standardized tests, and other information will be used to assess students' progress toward standards. Too often, however, academic goals and outcomes get lost in the sheer volume of additional information that federal law requires schools to collect. IEPs need to be reconceptualized as defining accommodations in curricula, instruction, and assessments, rather than listing specialized services that may be unrelated to improved student outcomes.

Shifting our collective focus to learning has other implications. First, it means that students' success should be measured based on their progress in meeting standards, rather than on

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whether schools have completed particular forms or procedures. Second, students' progress should be assessed based on multiple sources of information. Academic achievement scores are useful, but this information should be considered along with feedback about students' development of the skills they need to transition to work and daily life after school, as well as other measures of progress such as drop-out rates, attendance rates, and graduation rates. Third, regardless of the data collected, students' progress should be monitored over time. Achievement scores gathered at multiple points (e.g., transition points such as elementary to middle school, or middle school to high school) provide the kind of feedback about students' progress over time that a single annual score does not reflect.

Accountability systems need to focus on the long-term progress of students. We need data systems that are aligned with other requirements (in particular, with the No Child Left Behind Act) and that collect and analyze data on students' progress at transition points (e.g., elementary to middle school) and provide valuable feedback about the value-added aspect of education. In addition, over the long run, this approach would provide useful information about the overall performance of the system in serving students and important feedback about the value of federal, state, and local investments in the education of U.S. students.

Building Teacher and Administrator Capacity

The closer we bring the general and special education systems together, the more likely it is that general education teachers will be working with students with disabilities. Most general education teachers receive little or no training in how to teach and work with students with disabilities. The same is true of administrators who, as they work with students, interact with parents, and partner with advocates, need a deep understanding of students with disabilities and how to effectively support these students. Part of the solution to this problem is providing professional development to help teachers and administrators develop the knowledge and skills they need to meet the diverse needs of students. Training general educators to better serve students with disabilities may also lead to a reduction in the number of students referred to and identified for special education.

How to better address the diverse learning needs of all students is a responsibility shared by general education as well as special education.

The overall student population of schools in urban, suburban, and rural areas across the United States is growing increasingly diverse. For example, the U.S. population is made up of a higher percentage of children whose primary language is other than English than at any time since the early part of the 20th century. Students with disabilities are part of a growing population of diverse students whose needs are being addressed in the general education classroom. How to better address the diverse learning needs of all students is a responsibility shared by general education as well as special education. Preservice and inservice professional development for teachers and administrators is a necessary component of moving toward a more unified, effective system. Support for professional development under IDEA and the No Child Left Behind Act should be focused on helping educators gain the knowledge and skills they need to ensure that students make continued progress toward standards and that educators share responsibility for the success of all students.

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Conclusions

IDEA has resulted in important improvements in the education of children with disabilities. However, funding restrictions, burdensome and inefficient paperwork and compliance requirements, a lack of appropriate professional development for teachers and administrators, and a parallel decrease in the number of qualified special education teachers have resulted in students with disabilities not having the educational opportunities they need. Experience suggests that if the issues highlighted in this brief are addressed, the unnecessary labeling of students will decrease and districts will be better able to meet the needs of students with disabilities as well as those of at-risk students not identified as in need of special education. The confluence of the reauthorization of ESEA, the reauthorization of IDEA, and the standards movement has provided an unprecedented opportunity to re-engage in the discussion about what it takes to help all students meet high standards and ensure that no student is left behind.

References

National Research Council. (2002). *Minority students in special and gifted education*. Committee on Minority Representation in Special Education. M. Suzanne Donovan & Christopher T. Cross, editors. Washington, DC: National Academy Press.

U.S. Department of Education. (2001). Executive Order 13227, The President's Commission on Excellence in Special Education, October 2, 2001. Retrieved March 13, 2002, from http://www.ed.gov/inits/commissionsboards/whspecialeducation/about.html.

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